THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 9827 OF 1997

DATED: 05-07-2006

BETWEEN:

A. Sreeramulu, S/o. Subrahmanyam
And another

… Petitioners

And

The Vice-Chairman and Managing Director,
A.P.S.R.T.C., Musheerabad, Hyderabad
And four others

…Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 9827 OF 1997

ORDER:

This writ petition was filed by the petitioners seeking a writ of Mandamus directing the respondents to appoint the second petitioner herein in any suitable post by duly declaring the proceedings No. HC/255(2)/96-RM(T) dated 22-11-1996 of the Regional Manager, Tirupathi in so far as it relates to the petitioners are concerned as illegal and arbitrary.

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for the respondents and perused the material on record.

It is the case of the petitioners that the first petitioner was initially appointed as driver in T.T.D. Transport Corporation on 29-10-1968 and in the year 1975, when the T.T.D. Transport Corporation was taken over by A.P.S.R.T.C., he became an employee under A.P.S.R.T.C. from 1975 onwards. It is stated that as there was a

circular dated 03-09-1988 to consider the cases of the dependants of the employees, who took voluntary retirement under Voluntary Retirement Scheme before five years of their retirement, the petitioner has taken voluntary retirement with effect from 30-06-1992 and requested the authorities to provide employment to his son, the second petitioner herein. It is stated that pursuant to the said application, certain retirement benefits have been withheld and he was orally informed that his son would be provided employment. But, by letter dated 22-11-1996, the withheld amount was returned and no employment was provided to his son on the ground that there is no such provision to provide employment to the children of the voluntary retired employees. It is stated that in the similar case of N. Sundara Babu, who was also retired voluntarily, seeking appointment to his son was considered by the respondent authorities, but the petitioner's case was not considered and his son was not provided any employment by the respondents and hence the action of the respondents is illegal and indiscriminate.

A counter has been filed stating that the petitioner applied for voluntary retirement due to domestic problems and accordingly, he retired from service on 30-06-1992 and an application was also submitted by the petitioner to provide employment to his son, but no assurance was given by the respondents as alleged by the petitioner.

Though it is stated in the counter that there was no such provision to provide employment to the children of the retired employees, who were appointed in T.T.D. Transport Corporation, when once the T.T.D. Transport Corporation has been taken over by the A.P.S.R.T.C., all the employees erstwhile in T.T.D. Corporation become the employees of A.P.S.R.T.C.

The question that arises for consideration is as to whether there is any scheme for providing employment to the children of voluntarily retired employees.

No doubt, there was a scheme for providing employment to the children of voluntarily retired employees, but it is stated in the counter that the said scheme was discontinued and the A.P.S.R.T.C. is not at all considering such cases.

Learned Counsel appearing for the respondents submitted that in view of the Full Bench judgment of this Court and Apex Court judgment prohibiting the employment to the children of voluntarily retired persons, the practice of providing employment to the voluntarily retired persons is discontinued long back and there is no such provision at present to consider the case of the petitioner.

In view of the facts and circumstances of the case, I am of the opinion that the second petitioner is not entitled for employment and accordingly, the writ petition is dismissed. No order as to costs.

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V. ESWARAIAH, J.

Dated: 05-07-2006
RNS